

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Arnette Blackmon

(b) County of Residence of First Listed Plaintiff Hudson
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Marc F. Greenfield, Esq.
Spear Greenfield Richman Weitz & Taggart, P.C.
1500 JFK Blvd., Ste 200, Philadelphia, PA 19102 p - 215-985-2424

DEFENDANTSUnited States of America
Bishoy Shokry

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question
(U.S. Government Not a Party)
- ☒ 2 U.S. Government Defendant
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

| CONTRACT | TORTS | FORFEITURE/PENALTY | BANKRUPTCY | OTHER STATUTES |
|---|---|---|---|---|
| <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise | PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input checked="" type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions | <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 | <input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes |
| REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property | CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement | | | |

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S. Code § 1346 (b) 1

Brief description of cause:

Motor Vehicle Accident

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

08/09/2021

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

Print

Save As...

Reset

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

| | | |
|--|---|--------------|
| ARNETTE BLACKMON | : | |
| 16 Marcy Avenue, Unit 1 | : | COMPLAINT IN |
| Jersey City, NJ 07304 | : | CIVIL ACTION |
| | : | |
| Plaintiff, | : | No. |
| | : | |
| v. | : | |
| UNITED STATES OF AMERICA | : | |
| United States Attorney General | : | |
| Department of Justice | : | |
| 10 th Street NW & Constitution Avenue | : | |
| Washington, DC 20530 | : | |
| & | : | |
| BISHOY SHOKRY | : | |
| 408 Jackson Street | : | |
| Pennsburg, PA 18073 | : | |
| Defendants | : | |
| | : | |

COMPLAINT IN CIVIL ACTION

1. This action is brought pursuant to, and this Court has jurisdiction over, this action pursuant to 28 U.S.C §1346 (b) 1.
2. Venue is proper in this district pursuant to 28 U.S.C § 1391 (b) 2 because the events giving rise to this claim occurred within the District of New Jersey.
3. Also, pursuant to 28 U.S.C § 1332, the amount in controversy herein is in excess of Seventy-Five Thousand (\$75,000) dollars, exclusive of interests and costs.
4. Plaintiff, Arnette Blackmon, is a citizen and resident of the State of New Jersey, residing at the address listed in the caption of this Complaint.

5. Defendant, United States of America, has an address for service of process listed in the caption of this Complaint, which at all times material hereto was acting individually and/ or by and through all lessees, agents, servants, workmen, and/ or employees.

6. Defendant, Bishoy Shokry, is a citizen and resident of the Commonwealth of Pennsylvania, with an address listed in the caption of this Complaint.

7. On or about December 18, 2019, Plaintiff, Arnette Blackmon, owned and operated a motor vehicle at or near Marcy Avenue and Lexington Avenue, in Jersey City, in the County of Hudson, in the State of New Jersey.

8. On or about December 18, 2019, defendant, United States of America's employee operator, operated a motor vehicle owned by defendant, United States of America, at or near Marcy Avenue and Lexington Avenue, in Jersey City, in the County of Hudson, in the State of New Jersey.

9. Suddenly, without warning, defendant, United States of America's employee operator, negligently and/ or carelessly operated manner as to strike plaintiff vehicle.

10. As a result of this accident, the plaintiff suffered severe and permanent bodily injury as more fully set forth at length below.

COUNT I
Arnette Blackmon v. United States of America
Personal Injury

11. Plaintiff incorporates herein the allegations set forth in the previous paragraphs, inclusive, as if set forth here at length.

12. The negligence and/ or carelessness of defendant, United States of America, consisted of the following:

- a. Operating a motor vehicle in negligent and/ or careless manner without regard for the rights or safety of plaintiff and others;
- b. Failing to have said vehicles under proper and adequate control;
- c. Failing to observe the position of plaintiff and to take such action as was necessary to prevent striking plaintiff's vehicle;
- d. Failing to operate a motor vehicle at a speed which would allow defendant to stop within assured clear distance;
- e. Operating said vehicles at a dangerous and excessive rate of speed under the circumstance;
- f. Being inattentive to defendant's duties as operator of a motor vehicle;
- g. Disregarding traffic lanes, patterns and other devices;
- h. Failing to keep an adequate distance from vehicles in the vicinity of defendant's vehicle;
- i. Failing to perceive the highly apparent danger to other which the actions and/or inactions posed;
- j. Failing to give plaintiff meaningful warning signs concerning the impending incident;
- k. Failing to exercise ordinary care to avoid injuring plaintiff;
- l. Failing to be highly vigilant and maintain sufficient control of said vehicle;
- m. Striking plaintiff's vehicle;

- n. Operating a motor vehicle with disregard for the rights, safety and proximity of plaintiff, even though defendant was aware, or should have been aware of plaintiff's presence and that the threat of harm posed to plaintiff;
- o. Failing inspect defendant's vehicle or to maintain defendant's vehicle in a safe an non-defective condition;
- p. Allowing a dangerous, unsafe and defective moto vehicle to be operated on a public highway'
- q. Failing to operate a motor vehicle in compliance with the applicable laws and ordinances of Jersey City, County of Hudson, and the Statues of the State of New Jersey pretaining to the operation and control of motor vehicles; and,
- r. Operating a motor vehicle and other devices at the same time and in total disregard for the safety of the plaintiff and other in direct violation of the laws of the State of New Jersey.

13. The negligence and/ or carelessness of defendant further consisted of the following:

- a. Permitting an incompetent drive to operate the vehicle;
- b. Failing to determine whether defendant driver possessed the necessary skills and/ or possessed the necessary mental or physical ability to exercise such driving skills;
- c. Failing to instruct the defendant driver in the proper method of operating a motor vehicle;
- d. Failing to properly instruct the defendant driver on how to properly operate his vehicle and its warning apparatus in an emergency situation;
- e. Failing as defendant driver's authority, to control defendant driver's conduct in regard to the manner in which defendant driver were operating the vehicle at the aforesaid time and place as herein before described; and,
- f. Allowing this dangerous, unsafe and defective motor vehicle to be operated on a public highway.

14. As a direct result of the negligent, careless and/ or reckless conduct of the defendant, United States of America, the plaintiff suffered various serious and permanent personal injuries, serious impairment and/or loss of body function and/or permanent serious disfigurement, including, but not limited: bilateral lumbar disc herniation, multi-level bilateral lumbar disc bulging, and any other ills, injuries, all to plaintiff's great loss and detriment.

15. As a result of these injuries, all of which are to plaintiff's great financial detriment and loss, plaintiff has in the past, is presently and may in the future suffer great pain, anguish, sickness and agony and will continue to suffer for indefinite time.

16. As an additional result of the carelessness and/or negligence of defendant, plaintiff has suffered emotional injuries along with the physical injuries suffered.

17. As a further result of the injuries sustained, the plaintiff has, is presently, and may in the future undergo a great loss of earning and/or earning capacity, all to the further loss and detriment of the plaintiff.

18. Furthermore, in addition to all the injuries and losses suffered, the plaintiff has incurred or will incur medical, rehabilitative and other related in an amount equal to and/or in excess of any applicable health insurance coverage for which plaintiff has not been reimbursed and upon which the plaintiff makes a claim for payment in the present action.

WHEREFORE, plaintiff demands judgement in plaintiff's favor and against defendant, United State of America, in an amount in excess of Seventy-Five Thousand (\$75,000.00) dollars, plus all reasonable attorney's fees, costs and any other relief the court deems necessary.

COUNT II
Arnette Blackmon v. Bishoy Shokry
Personal Injury

19. Plaintiff incorporates herein the allegations set forth in the previous paragraphs, inclusive, as if set forth here at length.

20. The negligence and/ or carelessness of defendant, United States of America, consisted of the following:

- a. Operating a motor vehicle in negligent and/ or careless manner without regard for the rights or safety of plaintiff and others;
- b. Failing to have said vehicles under proper and adequate control;
- c. Failing to observe the position of plaintiff and to take such action as was necessary to prevent striking plaintiff's vehicle;
- d. Failing to operate a motor vehicle at a speed which would allow defendant to stop within assured clear distance;
- e. Operating said vehicles at a dangerous and excessive rate of speed under the circumstance;
- f. Being inattentive to defendant's duties as operator of a motor vehicle;
- g. Disregarding traffic lanes, patterns and other devices;
- h. Failing to keep an adequate distance from vehicles in the vicinity of defendant's vehicle;
- i. Failing to perceive the highly apparent danger to other which the actions and/or inactions posed;
- j. Failing to give plaintiff meaningful warning signs concerning the impending incident;
- k. Failing to exercise ordinary care to avoid injuring plaintiff;
- l. Failing to be highly vigilant and maintain sufficient control of said vehicle;
- m. Striking plaintiff's vehicle;
- n. Operating a motor vehicle with disregard for the rights, safety and proximity of plaintiff, even though defendant was aware, or should have been aware of plaintiff's presence and that the threat of harm posed to plaintiff;
- o. Failing inspect defendant's vehicle or to maintain defendant's vehicle in a safe an non-defective condition;
- p. Allowing a dangerous, unsafe and defective moto vehicle to be operated on a public highway'

- q. Failing to operate a motor vehicle in compliance with the applicable laws and ordinances of Jersey City, County of Hudson, and the Statutes of the State of New Jersey pertaining to the operation and control of motor vehicles; and,
- r. Operating a motor vehicle and other devices at the same time and in total disregard for the safety of the plaintiff and other in direct violation of the laws of the State of New Jersey.

21. As a direct result of the negligent, careless and/ or reckless conduct of the defendant, United States of America, the plaintiff suffered various serious and permanent personal injuries, serious impairment and/or loss of body function and/or permanent serious disfigurement, including, but not limited: bilateral lumbar disc herniation, multi-level bilateral lumbar disc bulging, and any other ills, injuries, all to plaintiff's great loss and detriment.

22. As a result of these injuries, all of which are to plaintiff's great financial detriment and loss, plaintiff has in the past, is presently and may in the future suffer great pain, anguish, sickness and agony and will continue to suffer for indefinite time.

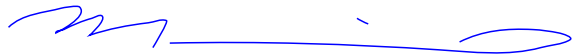
23. As an additional result of the carelessness and/or negligence of defendant, plaintiff has suffered emotional injuries along with the physical injuries suffered.

24. As a further result of the injuries sustained, the plaintiff has, is presently, and may in the future undergo a great loss of earning and/or earning capacity, all to the further loss and detriment of the plaintiff.

25. Furthermore, in addition to all the injuries and losses suffered, the plaintiff has incurred or will incur medical, rehabilitative and other related in an amount equal to and/or in excess of any applicable health insurance coverage for which plaintiff has not been reimbursed and upon which the plaintiff makes a claim for payment in the present action.

WHEREFORE, plaintiff demands judgement in plaintiff's favor and against defendant, United State of America, in an amount in excess of Seventy-Five Thousand (\$75,000.00) dollars, plus all reasonable attorney's fees, costs and any other relief the court deems necessary.

**SPEAR, GREENFIELD,
RICHMAN, WEITZ & TAGGART, P.C.**

A handwritten signature in blue ink, appearing to read 'M. Greenfield', is written over a horizontal line.

BY: MARC F. GREENFIELD, ESQUIRE

INTERROGATORIES, REQUESTS FOR PRODUCTION OF DOCUMENTS, SUPPLEMENTAL REQUESTS AND REQUEST FOR ADMISSIONS ARE SERVED ATTACHED TO PLAINTIFF'S COMPLAINT AT THE TIME SERVICE OF ORIGINAL PROCESS IS AND/OR WAS EFFECTUATED.

jkl